

Remarks

This Amendment and Response herein is considered fully responsive to the September 3, 2008 Office Action ("Office Action"). Claims 1-8 and 14-26 were pending in the application. Claims 1-8 and 14-26 stand rejected in the Office Action.

In this Response, claim 4 is amended without prejudice, no claims are canceled, and no new claims are added. Applicant respectfully requests entry of the amendments. Claims 1-8 and 14-26 are now pending in the application. Reexamination and reconsideration are requested.

Rejections Under 35 U.S.C. § 112

The Examiner has rejected claim 4 as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner asserts that the term "metadata" lacks sufficient antecedent basis. Without admitting the validity of this rejection, Applicant has amended claim 4 to depend from claim 3. Applicant requests withdrawal of the rejection.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1, 2, 5, 6 and 21-26 under 35 U.S.C. § 103 as purportedly being unpatentable over U.S. Patent No. 6,625,169 ("Tofano") in view of U.S. Patent No. 7,386,010 ("Solomon"), and in further view of U.S. Patent Pub. No. 2003/0185221 ("Deikman"). Claims 3 and 4 have been rejected as purportedly being unpatentable over Tofano, Solomon, Deikman and U.S. Patent No. 5,490,292 ("Macera"). Claims 7 and 8 have been rejected as purportedly being unpatentable over Tofano, Solomon, Deikman and U.S. Patent No. 5,841,990 ("Picazo"). Claims 14, 15 and 18 – 20 have been rejected as purportedly being unpatentable over Tofano and Solomon. Claims 16 and 17 have been rejected as purportedly being unpatentable over Tofano, Solomon and Macera. Applicant traverses the rejections.

With regard to all the independent claims, the Examiner acknowledges that Tofano does not explicitly disclose that Tofano's third format is an Ethernet media format. Examiner asserts that Solomon teaches using an Ethernet media format. Although Applicant agrees that Tofano

does not explicitly disclose that Tofano's third format is an Ethernet media format, Applicant disagrees that Solomon makes up for the deficiencies of Tofano as asserted.

As presently understood by the undersigned, Tofano generally relates to a communication system that uses a common format, such as an encapsulated format, to facilitate efficient transport of data between network interfaces via a shared, non-switched system bus 227 (see, e.g., col. 9, ll. 55-66, col. 20, ll. 49-53, col. 24, ll. 19-25, Fig. 5 and Fig. 7(b) (Encapsulation E1 309 and Encapsulation E2 311)).

As presently understood by the undersigned, Solomon generally relates to a system 20 that includes multiple separate edge devices 26, where each edge device 26 includes a protocol converter 44 that is responsible for converting Layer 2 frames of a native protocol to Ethernet frames for transmission over the network 22, and converting Ethernet frames received from the network 22 to Layer 2 frames of the native protocol. Solomon, col. 5, ll. 25 – 46. As such, protocol conversion in Solomon is distributed to each edge device 26 handling the particular native protocol of the circuit connected to that edge device 26.

Because Solomon's protocol conversion is distributed to each separate edge device 26, Solomon fails to teach or suggest “using an application accessible to the first shared processing resource... by translating the first network packet from a first packet format associated with the first media channel to a first intermediate packet having an Ethernet media format; translating the second network packet from a second packet format associated with the second media channel to a second intermediate packet having the Ethernet media format”. Therefore, neither Tofano nor Solomon teach or suggest translating first and second packet formats to an Ethernet format using an application accessible to a first shared resource.

In addition, one of ordinary skill in the art would not have been motivated to combine Tofano and Solomon at the time of invention, and to suggest doing so now would be to rely on Applicant's own disclosure in hindsight. Tofano specifically teaches away from such systems as Solomon. For example, Tofano states that the “large number of communication systems to be managed, and the many different types of communication systems to be interfaced, make it difficult and inefficient to exchange data and information between networks and network formats

[and] [it] would clearly be advantageous to have a single networking solution that could replace the plethora of network devices needed to effectively utilize different networks and different network formats.” Tofano, col. 2, ll. 25 – 34.

Furthermore, to modify either Tofano or Solomon in the manner suggested by the Examiner would render either inoperable for their intended purpose. Tofano’s processor 228 “is required to translate or convert incoming data from the incoming network format to the third format”. Tofano, col. 15, ll. 47 – 49. In contrast to Tofano, Solomon’s protocol conversion must occur at each separate edge device 26. Solomon, col. 5, ll. 25 – 47. Accordingly, changing Tofano to operate in the manner of Solomon, or vice versa, would render either inoperable for their intended purposes.

For at least the foregoing reasons, Tofano and Solomon fail to teach or suggest the elements of the independent claims attributed to them by the Examiner. In addition, the asserted combination of Tofano and Solomon is inappropriate for the foregoing reasons. As such, the cited art fails to teach or suggest each and every element of either independent claims 1, 14, 21 and 26. Therefore, claims 1, 14, 21 and 26, and their respective dependent claims are believed to allowable over the cited art. Applicant requests withdrawal of the rejections.

Conclusion

Applicant has fully responded to each and every objection and rejection in the Office Action and believes that claims 1 – 8 and 14 – 26 are in a condition for allowance. Applicant therefore requests that a timely Notice of Allowance be issued in this case.

Should the Examiner maintain the current rejection, the undersigned has concurrently filed a Notice of Appeal herewith to preserve the Applicant’s right to pursue an appeal to the Board of Patent Appeals and Interferences.

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Amdt. Dated December 1, 2008
Reply to Final Office Action of September 3, 2008

If the Examiner should require any additional information or amendment, please contact the undersigned attorney. If the Examiner believes any issues could be resolved via a telephone interview, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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